

TOWNSHIP OF WALL

ORDINANCE NO. 9-2022

**AUTHORIZATION OF A VACATION OF SIGHT TRIANGLE EASEMENT ON
BLOCK 806, LOT 2 ON THE TAX MAPS OF THE TOWNSHIP OF WALL - 2274
STATE HIGHWAY 34**

WHEREAS, on November 18, 2021, the Township Zoning Board of Adjustment granted N5 Wall, LLC (“Owner”) site plan and variance approval (“Approval”) to permit development of self-storage facility on the subject property located at 2274 State Highway 34, Wall Township, County of Monmouth, State of New Jersey and identified as Block 806, Lot 2 on the Tax Maps of the Township of Wall (the “Property”); and

WHEREAS, the Owner’s predecessor, SSM Partners, had conveyed to the Township of Wall (“Wall”) a sight triangle easement (the “Easement”) over portions of the Property, by deed recorded on May 4, 2009 in Page 9791 of Book OR-8770 in the Monmouth County Clerk’s Office, the legal description of which is attached hereto as **Exhibit “A”**; and

WHEREAS, the Easement was prepared and recorded in conjunction with the development plans for SSM Partners for an office development, which was never developed and abandoned by SSM Partners; and

WHEREAS, in order to effectuate the Approval for the Owner, the Owner requested that Wall extinguish and vacate the recorded Easement; and

WHEREAS, the Township Engineer has reviewed the and approved the description contained in **Exhibits “A”** from an engineering standpoint recommends that the Township Committee vacate the Easement; and

WHEREAS, the Local Buildings and Lands Law, N.J.S.A. 40A:12-13(b)(4) authorizes the Township to extinguish and vacate an easement and to execute a deed confirming same provided that action is authorized by Ordinance; a

WHEREAS, the Township Committee finds that the Township’s interest in the aforesaid easement is no longer desirable, necessary or required for public purposes; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized to execute a Deed of Vacation of Sight Triangle Easement, vacating the easement over the property described in Exhibit A. The form and substance of the deeds shall be subject to the review and approval of the Township Attorney.
3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents

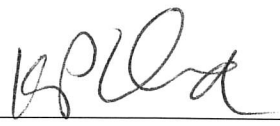
and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.

4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
5. This Ordinance shall take effect upon passage and publication in accordance with law.

Introduced: January 26, 2022

Adopted: February 23, 2022

Attest: 
Roberta Lang, RMC
Township Clerk

Approve: 
Kevin P. Orender
Mayor

SUMMARY AND NOTICE

ORDINANCE NO. 9-2022

TOWNSHIP OF WALL

**AUTHORIZATION OF A VACATION OF SIGHT TRIANGLE EASEMENT ON
BLOCK 806, LOT 2 ON THE TAX MAPS OF THE TOWNSHIP OF WALL - 2274
STATE HIGHWAY 34**

Adoption of this ordinance will authorize the vacation of a sight triangle easement on Block 806 Lot 2 – 2274 State Highway 35

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on **January 26, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **February 23, 2022** at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

**Roberta M. Lang, R.M.C.
Municipal Clerk**

Exhibit A

Exempt

MAY 04 2009



PREPARED BY:

ANTHONY J. PET

DEED OF DEDICATION OF
SIGHT TRIANGLE EASEMENT

*** TO BE VACATED ***

This Deed of Dedication of Sight Triangle Easement is made this 21st day of April, 2009, and is by and between SSM PARTNERS, LLC, a New Jersey limited liability company, having an address of 20 East Willow Street, Millburn, New Jersey 07041, hereinafter referred to as the ("Grantor"), and TOWNSHIP OF WALL, a municipal corporation of the State of New Jersey, whose address is 2700 Allaire Road, P.O. Box 1168, Wall Township, New Jersey 07719, referred to as the ("Grantee").

W I T N E S S E T H :

Whereas, the Grantor is the owner of the property commonly known and designated as lot 2 in block 806 (formerly lots 2 and 26 in block 806) as shown on the Official Tax Map of the Township of Wall; and

Whereas, the Grantor desires and intends to grant and convey unto the Grantee a certain perpetual site triangle easement for the uses and purposes herein expressed; and

Whereas, the legal description setting forth the area of the easement is more fully described on Schedule A, attached hereto and made a part hereof, and shown on the plan depicting the area of easement set forth on Schedule B, attached hereto and made a part hereof, (hereinafter "Easement Area");

Now therefore, the Grantor, in consideration of the covenants and agreements hereinafter recited and the sum of one dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby dedicate, give, grant and convey unto the Grantee, its successors and assigns, an easement in accordance with the following terms, conditions, covenants and agreements:

1. Grantor covenants that there shall not be erected at any time on the said Easement Area any buildings, structures, signs or plantings which may interfere with the view or sight of operators

OR 8770-9791
REC'D 5409

80

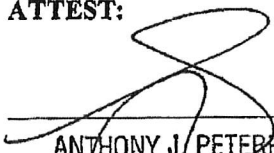
of vehicles or pedestrians traversing the abutting streets, roads or highways. However, there shall be permitted to be planted within the Easement Area such varieties of ground cover or shrubs having an ultimate height of not more than thirty (30) inches above the pavement level of the drive at a point ten feet (10') from the intersection with the edge of pavement of the through road.

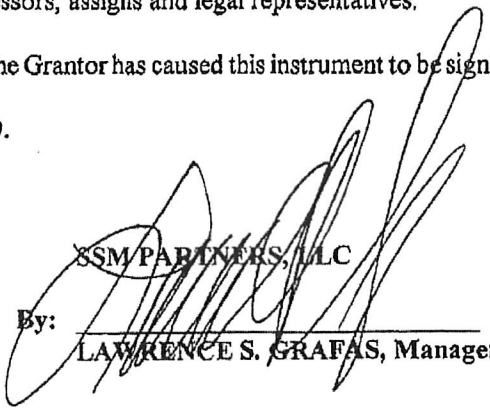
2. It shall be the responsibility of the Grantor, its heirs, executors, administrators, successors, and/or assigns to maintain the Easement Area. Grantor hereby grants to the Grantee an easement on and over the Easement Area so that the Grantee, its agents, representatives or employees may enter upon and re-enter upon the Easement Area for the purpose of clearing and trimming any brush, trees, weeds or other growth within the Easement Area for the purpose of establishing a clear sight or view for operators of vehicles or pedestrians traversing the abutting streets, roads or highways; it being understood, however, that nothing contained in this paragraph shall be construed to impose any obligation upon the Grantee to assume responsibility in regard to the maintenance and upkeep of the Easement Area, or to clear the sight or view.

3. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed, sealed, and delivered this 21st day of April, 2009.

ATTEST:


ANTHONY J. PETERPAUL
ATTORNEY AT LAW OF NEW JERSEY


SSM PARTNERS, LLC
By: LAWRENCE S. GRAFAS, Manager

SCHEDULE A

O'DONNELL, STANTON & ASSOCIATES, Inc.

ENGINEERS • PLANNERS • SURVEYORS

DESCRIPTION OF

Sight Triangle Easement

Lot 2 (formerly Lots 2 & 26) Block 806

**Wall Township
Monmouth County New Jersey**

Beginning at a point in the easterly line of New Jersey State Highway Route No. 34 (120 feet) said point being the westerly corner of Lot 2 and Lot 1 and running; thence


1. Along the aforementioned easterly line North 14 degrees 12 minutes 30 seconds West 187.70 feet to a point; thence
2. North 75 degrees 47 minutes 30 seconds East 30.26 feet to a point; thence
3. South 07 degrees 17 minutes 02 seconds East 192.43 feet to a point in the division line between Lot 2 and Lot 1; thence
4. Along the aforementioned division line North 79 degrees 00 minutes 00 seconds West 7.81 feet to the point and place of Beginning.

Containing 3553.77 Square Feet

Subject to easements and restrictions of record, if any.

Being more particularly shown on a plan prepared by O'Donnell, Stanton & Associates, Inc., Toms River, New Jersey dated 12/03/2007 and last revised 06/08.

Prepared by:
O'DONNELL, STANTON & ASSOCIATES, INC.


Charles A. Femicola, PLS
New Jersey License No. GS27481

8/1/08
Revised 12/5/08

P:\Term\Meets & Bounds Descriptions\07023.01 grafas site triangle desc.doc

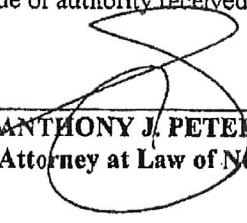
STATE of NEW JERSEY

COUNTY of MONMOUTH

S.S.:

I CERTIFY that on April 21, 2009, Lawrence S. Grafas, personally came before me and this person acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) this person signed, sealed and delivered the attached document as Manager of SSM Partners, LLC, a limited liability company of the State of New Jersey, the entity named in this document;
- (b) this document was signed and delivered by the limited liability company as its voluntary act and deed by virtue of authority received from its members.


ANTHONY J. PETERPAUL
Attorney at Law of New Jersey

CLARE FRENCH, CLK
MONMOUTH COUNTY, NJ
INSTRUMENT NUMBER
2009046763
RECORDED ON
MAY 04, 2009
3:36:31 PM
BOOK: 08-8770
PAGE: 9791
Total Pages: 5
COUNTY RECORDING FEES \$80.00
TOTAL PAID \$80.00

R+R

Peterpaul & Clark
1 Cleveland Place
Springfield, NJ 07081